

COUNTY OF ONONDAGA



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County Executive

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DEPARTMENT OF LAW

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August 10, 2023

Via ECF

Hon. Nelson S. Román
United States District Judge
United States District Court, Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *Palisades Estates EOM, LLC, et al. v. County of Rockland, et al.*
Civil Action No.: 7:23-cv-04215-NSR

Dear Judge Román:

I represent Onondaga County in the above-referenced matter. I write pursuant to Rule 3(A) of the Court's Individual Practices to request a pre-motion conference. Onondaga County seeks to move to sever the claims against it in this matter pursuant to Federal Rule of Civil Procedure 21 and seeks transfer of the claims against it to the United States District Court for the Northern District of New York pursuant to 28 U.S.C. § 1404.

As it pertains to them, this action addresses an executive order issued by Onondaga County, which was issued in Onondaga County and is only effective in that County. The executive order in question addresses the establishment of shelters within Onondaga County. The action also alleges unlawful entry onto the property of Plaintiff CWP Syracuse I LLC in North Syracuse, New York by employees of Onondaga County, in violation of the Fourth Amendment.

Onondaga County is located within the geographic jurisdiction of the United States District Court for the Northern District of New York. All alleged actions taken by the County and its officers and employees that form the basis of the Plaintiffs' claims against the County occurred within Onondaga County. The executive order at issue was made and issued in Onondaga County. All witnesses to the alleged actions of the County are located in Onondaga County. All County records and papers that may be relevant in this action are located within Onondaga County. The

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property that is at issue in this litigation, the Candlewood Suites hotel owned by Plaintiff CWP Syracuse I LLC, is located within Onondaga County. The alleged unlawful entry onto this property occurred in Onondaga County. No action or occurrence that is relevant to the claims asserted against Onondaga County in this action took place outside of Onondaga County. Accordingly, the County respectfully contends that venue for the claims made against it would be more proper in the United States District Court for the Northern District of New York, and therefore, severance of the claims asserted against it in this action is proper. It is further respectfully asserted that the claims against the County should be transferred for the convenience of the parties and witnesses.

Thank you for your review and consideration of the foregoing.

Respectfully,



John A. Sickinger
Senior Deputy County Attorney

cc: All Counsel of Record (Via ECF)